

Dr. Gerald Schipper, a witness of lawful age, produced on the part of himself, having first been duly sworn by me, deposes and says:

By Mr. Stern:

Q Dr. Schipper, a bill of complaint was filed in this action on your behalf on February 14, 1968, and a decree pro confesso was filed on May 20, 1968. Could you tell the Court why there has been a long period of time from the time of the decree pro confesso and the taking of this testimony?

A I have been away for the summer, and by the time we were able to get settled upon our return and to get a time that was convenient to Mr. Cosgrave, it has taken longer than we anticipated.

Q Would you state to the Court your address and occupation.

A I live in Urbana - Route #2, Frederick, Maryland, on a farm - the former Cosgrave farm. My occupation is a physician.

Q Doctor, you are claiming title to property containing approximately three acres, 7 square perches of land, in Urbana District, which is the subject of these proceedings, are you not?

A Yes sir. I do claim that.

Q Would you tell the Court how and when you acquired your title to this property?

A In September, 1964, I received a quit-claim deed to this property from Annie Cosgrave, widow at that time.

Q I show you a document, marked Complainant's Exhibit No. 1. Can you identify this?

A Yes. This is the deed which I received the title to from Mrs. Cosgrave.

Q We wish to offer this in evidence as Complainant's Exhibit No. 1.

A I have been paying taxes on this property since 1964.

Q Prior to receiving this deed, Dr. Schipper, did you make any claim to this property?

A Yes. I believed that the three acres belonged to the farm.

Q Which farm are you talking about?

A The large farm of 348 acres, which I acquired from Mrs. Annie Consgrave in January, 1959. At the time that I received the title to the 348 acre tract, it was my understanding that I also owned this small three acre tract, which adjoined the large farm and actually surrounds a good part of this three acre tract.

Q Did you at any time have a survey made of your property, which you acquired from Mrs. Cosgrave in 1959?

A Yes.

Q I show you a document marked Complainant's Exhibit No. 2. Can you identify this?

A This is the survey I had made and paid for.

Q Who was the surveyor?

A Mr. Wilkinson, a registered surveyor.